

### **REMARKS**

By this paper, Applicant has amended claims 1, 12, 14, 16, and 20. The independent claims are claims 1, 11, 12, 16, and 20. Applicant has not added any claims, nor has applicant cancelled any claims. This amendment contains no new matter. Entry of this amendment is respectfully requested.

#### ***Claim Rejections – 35 USC § 102***

The examiner has rejected most of the independent claims on the basis of Magyar (US Patent 3,828,925), including claims 1, 11, 12, and 16. Specifically, the examiner rejected claims 1, 3-5, 8, 9, 10-12, 14, 15, 16, 19 and 29-48 as being anticipated by Magyar.

First with respect to claim 1 and its dependent claims, Applicant respectfully disagrees with the examiner's rejection. Applicant does not believe that Magyar teaches all of the limitations of claim 1. The examiner has not demonstrated that Magyar teaches the arrangement of grooves and extending portions called for in claim 1, wherein "the groove [corresponds] in location to said extending portion", nor has the examiner shown that Magyar teaches the arrangement of the bearing surface to the extending portions called for in claim 1, wherein "an extending portion [extends] from the bearing surface".

However, by this paper, Applicant has amended claim 1 to more specifically describe the groove as "extending the length of the bearing surface". No new matter is added by this amendment. Support for this amendment is found in the specification at page 8, line 13.

The examiner has not shown that the grooves of Magyar extend the length of the bearing surface. As seen in figure 5, the grooves are very short and do not extend the length of the bearing surface.

Applicant believes claim 1 is allowable over Magyar. Applicant notes that claims 3 and 4; 5, 8 and 10; 27, 28, 29, and 30; and 31 and 32; and claim 9 all depend from claim 1. Applicant believes these claims should now be considered allowable over Magyar.

Further with respect to claims 4 and 28, Applicant further notes that Magyar does not disclose an "extending portion [extending] parallel to a plane of [the] attachment leg."

Second, with respect to independent claim 11 and its dependent claims, Applicant respectfully disagrees with the examiner's rejection. Applicant does not believe that Magyar teaches all of the limitations of claim 11. The examiner has not demonstrated that Magyar teaches the arrangement of the bearing surface to the extending portions called for in claim 1, wherein "an extending portion [extends] from the bearing surface". The examiner has not identified the bearing surface on Magyar, except to say it is the lower surface.

Applicant believes claim 11 is allowable over Magyar. Applicant notes that claims 14; 33, 34, 35 and 36; and claims 37 and 38 all depend from claim 11. Applicant believes these claims are allowable over Magyar.

Further, with respect to claim 14, Applicant does not believe that Magyar teaches the raised portion of claim 14.

However, to make the distinction between the invention of claim 14 and Magyar more clear, Applicant, by this paper, has amended claim 14 to more specifically describe the raised portion. Specifically, the claim has been amended to say that the raised portion "[creates] an initial bearing surface, and [the] raised portion [collapses] when said stud is driven such that a broad bearing surface is created that has a greater surface area than said initial bearing surface."

Support for this amendment is found in US Patent 5,634,756, which is incorporated into the specification by reference, the support being found at column 2, lines 15 and 30, column 3, line 26 and column 4, line 23.

Claims 33, 34, 35, 36, 37 and 38 depend from claim 14. Applicant believes they should now be considered allowable.

Further with respect to claim 34, Applicant further notes that Magyar does not disclose an "extending portion [extending] parallel to a plane of [the] attachment leg."

With respect to independent claim 12 and its dependent claims, Applicant respectfully disagrees with the examiner's rejection. Applicant does not believe that Magyar teaches all of the limitations of claim 12. Specifically, Magyar does not appear to teach a "guide means" that could guide the fastener assembly within a track.

However, by this paper, Applicant has amended claim 12 to more specifically describe the groove as "extending the length of the bearing surface". No new matter is added by this amendment. Support for this amendment is found in the specification at page 8, line 13.

The examiner has not shown that the grooves of Magyar extend the length of the bearing surface. As seen in figure 5, the grooves are very short and do not extend the length of the bearing surface.

Applicant believes claim 12 is allowable over Magyar. Applicant notes that claims 15; 25; 39, 44 and 45; and 40, 41, 42 and 43 all depend from claim 12. Applicant believes these claims should now be considered allowable over Magyar.

Further with respect to claims 15 and 41, Applicant further notes that Magyar does not disclose an "groove [extending] parallel to a plane of [the] attachment leg."

With respect to claim 16 and its dependent claims, Applicant does not believe that Magyar teaches the raised portion of claim 16.

However, to make the distinction between the invention of claim 16 and Magyar more clear, Applicant, by this paper, has amended claim 16 to more specifically describe the raised portion. Specifically, the raised portion "[creates] an initial bearing surface, and [the] raised portion [collapses] when said stud is driven such that a broad bearing surface is created that has a greater surface area than said initial bearing surface."

Support for this amendment is found in US Patent 5,634,756, which is incorporated into the specification by reference, the support being found at column 2, lines 15 and 30, column 3, line 26 and column 4, line 23.

Claims 19, 46, 47 and 48 depend from claim 16. Applicant believes they should now be considered allowable.

Further with respect to claim 47, Applicant further notes that Magyar does not disclose a "groove [extending] parallel to a plane of [the] attachment leg."

The examiner has rejected claims 20, 21 and 23 on the basis of Francis (US Patent 4,903,831) under 102(b).

By this paper, Applicant has amended claim 20. to describe and claim a plurality of "unattached" fastener assemblies. Applicant believes that the combination of a plurality of unattached fastener assemblies in a feeding track is unique. No new matter is added by this amendment. Support for this amendment is found in the specification at page 12, line 11.

Applicant believes claim 20 as amended is allowable over Francis. Applicant notes that claims 21 and 23 depend from claim 20. Applicant believes these claims should now be considered allowable over Francis.

Further with respect to claims 21 and 23, Applicant further notes that Francis does not disclose an "extending portion [comprising] a groove" or a "plate [having] a raised portion."

***Claim Rejections – 35 USC § 103***

The examiner has rejected claims 20 – 23 and 49 – 52 under 103(a) as being unpatentable over Magyar in view of Francis.

As noted above, Applicant has amended claim 20 to call for unattached fastener assemblies, which is not taught by Francis, therefore Applicant respectfully requests that the rejection of claim 20 and its dependent claims (21 – 23, and 49 – 52) be removed.

Further with respect to claims 21 and 23, Applicant further notes that neither Francis nor Magyar discloses an "extending portion [comprising] a groove" or a "plate [having] a raised portion."

Further with respect to claim 51, Applicant further notes that neither Magyar nor Francis discloses a "groove [extending] parallel to a plane of [the] attachment leg."

***Conclusion***

In view of the above, Applicants submit that the claims remaining in the application are in condition for allowance and allowance of the claims at an early date is solicited.

Please direct any calls in connection with this application to the undersigned at (510) 832-4111.

**PATENT**

**S/N: 10/043,669**

Attorney Docket No. SST/1305

Response to Office Action Mailed: 03/02/05

EV 459414516

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